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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,835	02/09/2004	Yong Joo Kim	2080-3-227	1653
35884 7590 12/27/2007 LEE, HONG, DEGERMAN, KANG & SCHMADEKA 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,835	<b>Applicant(s)</b> KIM, YONG JOO	
	<b>Examiner</b> Jinhee J. Lee	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>0705</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Korea on 2/6/03. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-7, 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan et al. (20010023436).

Re claim 1, Srinivasan et al. discloses an editing apparatus (author/editor, see paragraph 0182 for example) using a thumbnail image, comprising:

an image processing means for processing a broadcasting stream and an image signal to permit the processed broadcasting stream and image signal to be displayed (authoring system for video data stream, see abstract for example);

a display means for displaying an image; an image extracting means for extracting the thumbnail image of the recorded broadcasting stream (14, see figures 1 and 15 for example);

a storing means for storing the broadcasting stream and the thumbnail image (see paragraph 0175 stored files for example); and

a control means for allowing a plurality of thumbnail images displayed on the display means according to a user's control command and thereby allowing the broadcasting stream represented by the thumbnail image to be edited (see paragraph 0182 and figure 15 for example).

Re claim 5, Srinivasan et al. discloses an editing apparatus, wherein the editing of the broadcasting stream is performed by deleting, storing and moving the thumbnail image (see paragraph 0182 for example).

Re claim 6, Srinivasan et al. discloses an editing method using a thumbnail image, comprising the steps of:

extracting and storing the thumbnail image of a broadcasting stream (see paragraph 0175 for example);

displaying a plurality of thumbnail images in response to a user's request (see figure 15 for example);

editing the plurality of thumbnail images (see figures 15 and paragraph 182 for example); and

editing a section of the broadcasting stream represented by the plurality of thumbnail images (see figure 15 and paragraph 0182 for example).

Re claim 7, Srinivasan et al. discloses an editing method, wherein the extracting step of the thumbnail image is performed while the broadcasting stream is stored (see paragraph 0175, stored files manipulated according to edit for example).

Re claim 11, Srinivasan et al. discloses an editing method, wherein the editing of the thumbnail image is performed by a method deleting, moving and separately storing a part of the plurality of thumbnail images (see paragraph 0182 for example).

Re claim 12, Srinivasan et al. discloses an editing method, wherein the editing of the broadcasting stream is performed concurrently with the editing of the thumbnail image (see paragraph 0175 for example).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Drucker et al. ( 7251790).

Re claim 2, Srinivasan et al. substantially discloses an editing apparatus as set forth in claim 1 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted at a predetermined time interval. However, Drucker et al. teaches of wherein the thumbnail image is extracted at a predetermined time interval. (see column 4 line 47 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was

made to have wherein the thumbnail image is extracted at a predetermined time interval of Drucker et al. on an editing apparatus of Srinivasan et al. in order to facilitate media browsing.

Re claim 3, Srinivasan et al. substantially discloses an editing apparatus as set forth in claim 1 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted at each scene change point. However, Drucker et al. teaches of wherein the thumbnail image is extracted at each scene change point (see column 4 line 48 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the thumbnail image is extracted at each scene change point of Drucker et al. on an editing apparatus of Srinivasan et al. in order to facilitate media browsing.

Re claim 4, Srinivasan et al. substantially discloses an editing apparatus as set forth in claim 1 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted by using histogram information on each frame of the broadcasting stream. However, Drucker et al. teaches of wherein the thumbnail image is extracted by using scene change point, and the contents can be analyzed using the scene change point or shot boundary based on histogram information on each frame of the broadcasting stream (see column 6 lines 34-37 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the thumbnail image is extracted by using histogram information on each

frame of the broadcasting stream of Drucker et al. on an editing apparatus of Srinivasan et al. in order to facilitate media browsing.

Re claim 8, Srinivasan et al. substantially discloses an editing method as set forth in claim 6 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted at a predetermined interval while the broadcasting stream is stored. However, Drucker et al. teaches of wherein the thumbnail image is extracted at a predetermined interval(see column 4 line 47 according to the numbering in the middle for example. And Srinivasan et al. teaches of extracting thumbnail while the broadcasting stream is stored (see paragraph 0175 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the thumbnail image is extracted at a predetermined time interval of Drucker et al. on an editing method of Srinivasan et al. in order to facilitate media browsing.

Srinivasan et al. discloses an editing method, wherein the thumbnail image is extracted by using histogram information on each frame of the broadcasting stream.

Re claim 9, Srinivasan et al. substantially discloses an editing method as set forth in claim 6 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted by using histogram information on each frame of the broadcasting stream. However, Drucker et al. teaches of wherein the thumbnail image is extracted by using scene change point, and the contents can be analyzed using the scene change point or shot boundary based on histogram information on each frame of the broadcasting stream (see column 6 lines 34-37 for example). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to have wherein the thumbnail image is extracted by using histogram information on each frame of the broadcasting stream of Drucker et al. on an editing method of Srinivasan et al. in order to facilitate media browsing.

Re claim 10, Srinivasan et al. substantially discloses an editing method as set forth in claim 6 above. Srinivasan et al. does not explicitly disclose wherein the thumbnail image is extracted at each scene change point. However, Drucker et al. teaches of wherein the thumbnail image is extracted at each scene change point (see column 4 line 48 according to the numbering in the middle for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the thumbnail image is extracted at each scene change point of Drucker et al. on an editing method of Srinivasan et al. in order to facilitate media browsing.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/  
Primary Examiner, Art Unit 2174

jji